

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESURANCE PROPERTY AND
CASUALTY INSURANCE
COMPANY,

Plaintiff,
v.
Civil Case No. 21-11523
Honorable Linda V. Parker

ANGELA DAVIS,
VITAL COMMUNITY CARE P.C.,
FERNDALE REHABILITATION
CENTER, LLC, AFFILIATED
DIAGNOSTICS LLC, WINFIELD
MEDICAL SOLUTIONS, LLC, and
UNITED LAB RX, LLC.

Defendants.

**OPINION AND ORDER DISMISSING COMPLAINT WITHOUT
PREJUDICE**

Plaintiff filed this lawsuit against Defendants on June 29, 2021, asserting diversity jurisdiction under 28 U.S.C. § 1332(a). (ECF No. 1 at Pg ID 3, ¶ 10.) On July 8, 2021, this Court entered an order requiring Plaintiff to show cause, in writing, as to why the action should not be dismissed without prejudice for lack of diversity jurisdiction. (ECF No. 4.) Plaintiff's pleading alleged that it and one defendant, Winfield Medical Solutions, LLC, are California citizens (ECF No. 1 at Pg ID 3, ¶¶ 1, 7), and diversity jurisdiction is lacking if any plaintiff and any

defendant are citizens of the same state, *see id.* § 1332(a). Moreover, Plaintiff failed to allege facts to determine the citizenship of the unincorporated entities named as Defendants.

Plaintiff's response to the show cause order was due on or before July 22, 2021. (*See* ECF No. 4 at Pg ID 92.) Plaintiff failed to respond.

Accordingly,

IT IS ORDERED that Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: July 26, 2021